

REMARKS

Claims 27-42 are pending. Claims 27 and 36 are in independent form.

In the Office action mailed October 17, 2006, claim 33 was rejected under 35 U.S.C. § 112, second paragraph as indefinite. Claim 33 has been amended to depend from claim 32, which establishes antecedent basis for the child-containing household group. Applicant thus asks that the rejection of claim 33 be withdrawn.

CLAIM 36

In light of the heading on page 2 of the Office action mailed October 17, 2006 and the body of the rejection, Applicant understands claim 36 to be rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,718,551 to Swix et al. (hereinafter "Swix"). This understanding is reached notwithstanding the indication on page 3 of the Office action that claim 36 stands rejected under 35 U.S.C. § 103(a).

If this understanding is in error, Applicant respectfully requests that the present response be considered *bona fide* and that an extended period for response be provided.

As amended, claim 36 relates to a broadcast system that includes a data transmission network, a head end, and a collection of clients. The head end includes a map that associates identifiers of clients in the broadcast system with identifiers of groups of two or more clients in the broadcast system, logic to associate content that is to be broadcast with an appropriate group identifier, and a transmitter to broadcast the content and transmit the map over the data transmission network even when the content is intended to be accessible only by a subset of available clients in the broadcast system. Each client in the collection includes a receiver to receive the broadcast content and the map from the head end over the data transmission network, logic to identify groups to which the client belongs from the received map, and logic to compare group identifiers associated with received broadcast content to group identifiers of any identified groups to determine if the broadcast content is to be accessible for output.

The rejection of claim 36 is based on the contention that Swix describes a head end that includes a transmitter to transmit a map that associates identifiers of clients in the broadcast system with identifiers of groups of two or more clients in the broadcast system. The rejection also contends that Swix describes clients that include logic to compare group

identifiers associated with received broadcast content to group identifiers of any identified groups to determine if the broadcast content is to be accessible for output.

Applicant respectfully disagrees with both contentions. In this regard, Swix describes a system for targeting advertisements over a networked media delivery system. *See, e.g., Swix*, col. 3, line 26-28. Swix's system intelligently selects and displays advertisements that offer products or services that are relevant to a viewer and can deliver different advertisements to different viewers watching the same program or channel. *See, e.g., Swix*, col. 3, line 33-40.

The head end of Swix's system includes a file server 102. *See Swix*, FIG. 1. File server 102 can deliver particular advertisements to the set-top box of particular viewers under the instruction of a profile processor 104. *See, e.g., Swix*, col. 5, line 15-17; col. 7, line 20-22; col. 7, line 35-39. File server 102 can also store data to be delivered to subscribers' set-top boxes in response to a subscriber selection. *See Swix*, col. 4, line 39-41. However, please note that the data delivered by file server 102 is not broadcast to subscribers, which stands in direct contrast to the data delivered by broadcast server 105. *See Swix*, col. 4, line 58-60.

Swix describes two ways that file server 102 can deliver particular advertisements to particular viewers. In an "interactive session," file server 102 delivers selected advertisements in "advertisement insertion slots" of a viewing selection. See, e.g., Swix, col. 9, line 25-31; FIG. 4 and the written description thereof. Please note that such viewing selections are not broadcast.

In a "broadcast environment," file server 102 delivers a demographic group assignment to subscribers' set-top boxes. See Swix, col. 9, line 32-36. Based on this assignment, each set-top boxes then retrieves corresponding targeted advertisements. See Swix, col. 9, line 36-38. Such a retrieval of targeted advertisements by set-top boxes can include tuning to broadcast channels delivering advertisements at the appropriate time or tuning to advertisements spooled in a broadcast carousel format. See Swix, col. 9, line 40-44.

In order for the set-top boxes to tune to an appropriate channel, Swix describes that head end 110 tells each set-top box 1) which PID to tune to, and 2) for how long. See Swix, col. 13, line 25-29. Thus, it does not appear that there is any

information regarding the demographic assignments of the clients at the clients themselves. Rather, Swix explicitly describes that a subscriber profile/demographic group is "known" by the front end 110. *Id.*

Applicant respectfully submits that Swix's head end 110 does not include a transmitter to transmit a map that associates identifiers of clients with identifiers of groups of clients, as recited in claim 36. In an interactive session, Swix's set-top boxes appear to be unaware of any demographic assignment as they receive targeted advertisements that have been placed in insertion slots by file server 102. In a broadcast environment, Swix's file server 102 must tell each set-top box where to tune and for how long. Such instructions do not constitute a map that associates identifiers of clients with identifiers of groups of two or more clients. Indeed, the mere fact that such instructions are necessary shows that the recited maps have not been transmitted to Swix's set-top boxes.

Moreover, Swix's set-top boxes do not compare group identifiers associated with received content to group identifiers of any identified groups to determine if the transmitted content is to be accessible for output. In an interactive session, the targeted advertisements are inserted into slots of the transmission. In a broadcast environment,

Swix's set-top boxes tune to a broadcast channel or a broadcast carousel to retrieve targeted advertisements. Such tuning does not constitute comparing group identifiers associated with received content to group identifiers of any identified groups to determine if the transmitted content is to be accessible for output.

Since elements and/or limitations recited in claim 36 are neither described nor suggested by Swix, anticipation has not been established. Accordingly, Applicant requests that the rejections of claim 36 and the claims dependent therefrom be withdrawn.

CLAIM 27

Claim 27 was rejected under 35 U.S.C. § 103(a) as obvious over Swix and by U.S. Patent No. 5,961,603 to Kunkel et al. (hereinafter "Kunkel").

Claim 27 relates to a method that includes compiling a first map that associates identifiers of clients in a digital cable broadcast system with identifiers of groups of two or more clients in the digital cable broadcast system, transmitting the first map to available clients in the digital cable broadcast system, compiling a second map in which associations between subscriber identifiers and client group identifiers has been changed, transmitting the second map to available clients in the

digital cable broadcast system, broadcasting digital cable content intended to be accessible by a subset of available clients to all available clients in the digital cable broadcast system, and configuring clients in the digital cable broadcast system to compare the first group identifier with any group identifiers from a most recently received one of the first map and the second map that were associated with an identifier of the client, to determine if the digital cable content is to be discarded at the client. Broadcasting includes associating the digital cable content with a first identifier of a first group of two or more clients.

The rejection of claim 27 is based on the contention that Swix describes transmitting maps that associate identifiers of clients with identifiers of groups of clients, as recited in claim 27.

Applicant respectfully disagrees. As discussed above, in an interactive session, Swix's set-top boxes appear to be unaware of any demographic assignment as they receive targeted advertisements that have been placed in insertion slots by file server 102. In a broadcast environment, Swix's file server 102 must tell each set-top box where to tune and for how long. Such instructions do not constitute a map that associates identifiers of clients with identifiers of groups of two or more clients.

Indeed, the mere fact that such instructions are necessary indicates that the recited maps have not been transmitted to Swix's set-top boxes.

Kunkel does nothing to remedy these deficiencies in Swix. In particular, Kunkel neither describes nor suggests that maps that associate identifiers of clients with identifiers of groups of clients be transmitted to clients, as recited in claim 27.

Instead, Kunkel describes a system in which information that is related to television or broadcast program content is accessed from a different information source and addressed to individual clients. *See, e.g., Kunkel*, col. 1, line 43-47. This can be done using "channel interlinking," which involves linking real-time broadcast programming content with related information. *See, e.g., Kunkel*, col. 2, line 8-12.

When a user wishes to access such related information, an application program in the user's set top converter box sends a request to the headend server, along with an identification number of the set top converter box. *See, e.g., Kunkel*, col. 2, line 40-44; col. 6, line 63-67. These requests are received by a communications controller 70. *See Kunkel*, col. 6, line 57-58.

In response to such requests, communications controller 70 will return communications downstream to the set top converter box. See *Kunkel*, col. 9, line 7-10. Such downstream communications include the identification number of the destination set top converter box. See *Kunkel*, col. 9, line 62-67. A particular set top converter box 20 will ignore the contents of the downstream communications unless it is the destination set top converter box. See *Kunkel*, col. 9, line 67 - col. 10, line 6.

It is thus clear that the downstream communications returned by Kunkel's communications controller 70 are individually addressed to each set top converter box 20. Not only are the recited maps that associate identifiers of clients with identifiers of groups of clients not transmitted to clients, the clients are not configuring to compare group identifiers from a map to determine if the digital cable content is to be discarded at the client, as recited in claim 27.

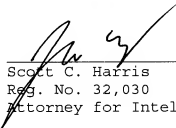
Accordingly, claim 27 is not obvious over Swix and Kunkel. Applicant therefore requests that the rejections of claim 27 and the claims dependent therefrom be withdrawn.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed due at this time. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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